IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 631 OF 1986

The State of Maharashtra
through the Special Land
Acquisition Officer, Panvel. ... Appellant.

Versus.

Sudam Balyu Chikhalekar. ... Respondent

Shri K.K.Tated, A.G.P. for the Appellant.

Shri N.V.Walawalkar, Senior Counsel for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 3rd April, 2006.

ORAL JUDGMENT.

1. Heard the learned Counsel appearing for the parties. The Appellant-State of Maharahstra has taken exception to the Judgment and Award dated 7th January 1986 passed by the learned Civil Judge, Senior Division, Alibag, Dist. Raigad. By the impugned Judgment and Award, a reference under section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") made at the instance of the Respondent-Claimant has been allowed. The acquired land is situated at village Kalundre, Taluka Panvel, District Raigad. The acquisition is made on the basis of a Notification under section 4 of the said Act issued on

3rd February 1970 for the purpose of New Bombay Project. The Reference Court has come to the conclusion that the Respondent is entitled to the compensation at the rate of Rs.10/- per sq.meter. The Reference Court has awarded other statutory benefits to the Respondent.

2. Shri Tated, the learned A.G.P. appearing for the State submitted that the compensation awarded by the Reference Court is on the higher side considering the evidence on record and therefore interference by this Court is required. The learned Counsel for the Respondent supported the impugned Judgment and Award.

3. My attention has been invited to the decision of the Division Bench of this Court (Coram: P.S.Shah and Kotwal JJ.) dated 3rd March 1987 in First Appeal No.382 of 1984 (The State of Maharashtra v/s. Bama Balu Tambhe) and other connected First Appeals. The said First Appeals arose out of the Awards made in References under section 18 of the said Act in respect of the lands from villages Panvel, Kamothe, and Kalundre from Taluka Panvel, District Raigad. The lands subject matter of the said Appeals were notified for acquisition vide notification under section 4 dated 3rd February 1970 for New Bombay Project. After considering the location of the village Kalundre, this Court confirmed the market value of the land from the said village Kalundre at the

rate of Rs.22.50 per sq.mt. The said decision of the Division Bench has admittedly attained finality. In view of this decision, no fault can be found with the market value fixed by the Reference Court.

4. Hence the Appeal is dismissed. The Appellant is directed to pay costs of this Appeal to the Respondent.

Judge.